

containing the name and place of business of the manufacturer, packer, or distributor; (3) in that its label failed to bear the common or usual name of the food; and (4) in that it contained artificial flavoring and artificial coloring and did not bear labeling stating that fact.

On November 19, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a charitable institution.

2782. Misbranding of oil. U. S. v. 67 Cans, 30 Cans, and 48 Cans of Oil. Default decrees of condemnation. Product ordered delivered to charitable organizations. (F. D. C. Nos. 5200, 6199. Sample Nos. 46970-E, 46971-E, 69646-E.)

Analysis showed that one shipment of this product consisted essentially of an artificially colored mixture of cottonseed oil and an oil similar to corn oil, containing little, if any, olive oil; one shipment consisted of artificially flavored and artificially colored corn oil; and the third shipment consisted of an artificially flavored and artificially colored mixture of corn oil and olive oil.

On July 24 and November 12, 1941, the United States attorney for the District of New Jersey filed libels against 145 1-gallon cans of oil at Newark, N. J., alleging that the article had been shipped on or about May 24 and October 25, 1941, by Joseph Colletti from Brooklyn, N. Y.; and charging that it was misbranded. Portions of the article were labeled in part: "Contents: Corn Oil Color Added," or "Contents: Corn Oil and 25% Olive Oil Color Added." A portion was unlabeled except for the statement "1 Gallon."

The portion of the product shipped on May 24 was alleged to be misbranded (1) in that it was in package form and did not bear a label containing the name and place of business of the manufacturer, packer, or distributor; (2) in that its label failed to bear the common or usual name of the food; (3) in that it was fabricated from two or more ingredients and its label failed to bear the common or usual name of each ingredient; and (4) in that it contained artificial coloring and did not bear labeling stating that fact.

The remainder was alleged to be misbranded (1) in that it was an imitation of another food, namely, olive oil, and its label failed to bear, in type of uniform size and prominence, the word "imitation" and, immediately thereafter, the name of the food imitated; and (2) in that it contained artificial flavoring and did not bear labeling stating that fact.

On October 22, 1941, and January 8, 1942, no claimant having appeared, judgments of condemnation were entered and the product was ordered delivered to local charitable organizations.

2783. Adulteration and misbranding of olive oil. U. S. v. 18 Cans, 5 Cans, and 1 Can of Olive Oil. Default decree of condemnation and destruction. (F. D. C. No. 5361. Sample Nos. 51258-E to 51260-E, incl.)

Examination of this product showed that it consisted essentially of cottonseed oil, containing little or no olive oil. Furthermore, a number of the cans failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor.

On August 14, 1941, the United States attorney for the District of Massachusetts filed a libel against 24 gallon cans of olive oil at Springfield, Mass., alleging that the article had been shipped in interstate commerce on or about July 16, 1941, by Donald Dearo and Joseph J. Teti from the State of New York; and charging that it was adulterated and misbranded.

The article was alleged to be adulterated (1) in that a substance, artificially colored cottonseed oil containing little or no olive oil, had been substituted wholly or in part for olive oil, which it purported to be; (2) in that inferiority had been concealed by the addition of artificial color; and (3) in that artificial color had been added thereto or mixed or packed therewith so as to make it appear better or of greater value than it was.

It was alleged to be misbranded: (1) In that the following statements and designs were false and misleading as applied to artificially colored cottonseed oil containing little or no olive oil: (18 cans, main panels) "Italia * * * Supreme Olive Oil Imported Lucca Italia * * * Italia * * * Olio d'Oliwa Supremo Importato Lucca-Italia [designs]," (side panels) "The purity of this olive oil is guaranteed under chemical analysis and we recommend it for table and medicinal uses * * * [similar statements in Italian]," and (top) "Imported Pure Olive Oil"; (5 cans, main panels) "Superior Olive Oil Diamante Italian Olive Oil Co. [similar statements in Italian]," (side panels) "This olive oil is guaranteed to be absolutely pure. Recommended for cooking,